

VZCZCXYZ0005
RR RUEHWEB

DE RUEHNM #0741/01 1921415
ZNR UUUUU ZZH CCY ADXF232IE MSI0905 612
R 111415Z JUL 06
FM AMEMBASSY NIAMEY
TO SECSTATE WASHDC 2643

UNCLAS NIAMEY 000741

SIPDIS

SIPDIS

C O R R E C T E D COPY (CAPTION ADDED)

DEPT: FOR AF/W, BACHMAN; AF/RSA, HARPOLE; DRL

E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [KPAO](#) [NG](#)

SUBJECT: BANNING OF WEEKLY ILLUSTRATES SORRY STATE OF
NIGERIEN PRIVATE JOURNALISM

SUMMARY

¶1. On June 28, the Conseil Superieur de la Communication (CSC), the regulatory authority for Nigerien media, banned the publication of the private opposition weekly "L'Opinion." The journal was banned on grounds of having published injurious and defamatory statements directed against Niger President Mamadou Tandja and his family; incitation to revolt; and, "immoral offense." On July 5, the paper's publisher, Alzouma Zakari was taken in for questioning by the detective branch of the Nigerien National Police after he began unauthorized publication of a new journal "Opinions," on July 4. Zakari was released the same day, and publicly stated that, while he would cease to publish, he would appeal the CSC's decision to the Nigerien Supreme Court. No other legal action has been taken against Zakari or any of his employees as of this writing. This action marks the first time since 1999 that the CSC has permanently banned a newspaper. END SUMMARY

WHAT IS THE CSC?

¶2. The CSC is an independent administrative authority roughly analogous to the FCC. Its eleven members represent diverse viewpoints and power sources both within and without government. The President, PM, and the President of the National Assembly each appoint one member, as does the Minister of Justice, the Bar Association, the country's human rights associations, the leader of the opposition, Nigerien women's organizations, and the private media. Professional journalists and telecom technicians also select two members. With the exception of the judicial and bar association representatives, all members are expected to have at least ten years of experience in journalism, communications, or telecom.

¶3. The CSC's action against "L'Opinion" came in two phases. On June 7, the CSC sent a formal warning to the paper, citing defamatory articles it had published in four of this year's issues. After the journal devoted most of its June 21 issue to a virulent attack on President Tandja and Prime Minister Hama Amadou, the CSC voted unanimously to ban publication. The last instance in which this happened was in 1999, when the CSC banned "Le Canardo," a publication associated with the recently overthrown military regime of Colonel Ibrahim Mainassara Bare.

¶4. Notwithstanding the presence on the CSC of a representative of one of its component organizations, one of the Nigerien Human Rights NGOs' umbrella organizations, the

Collectif des Organisations de Defense des Droits de l'Homme et de la Democratie (CODDHD), denounced the ban in a July 2 press release. The collective expressed its solidarity with Zakari, and called for the CSC to revisit the issue and lift the ban. Reaction in the Nigerien "street," has been muted, however, a possible reflection of the fact that "L'Opinion's" readership was limited (circulation was approximately one thousand per week). For its part, the Nigerien civil society movement remains primarily concerned with organizing protests over cost of living issues and has not taken a forceful public stance on this issue.

L'OPINION & THE AUTHORITIES

¶5. Always an opposition journal, L'Opinion had become increasingly polemical over the course of the last year. Editorial content infected reporting to a degree uncommon even among Nigerien private papers. Typical of its reporting and editorializing over the last six months were a series of articles "L'Opinion" ran attacking some of the senior figures in the Government of Niger (GON). In one such piece, directed at National Assembly President Mahamane Ousmane on the 25th of January, the journal referred to the former (1993-1996) President of Niger as a "monster," and denounced the supposed corruption of his regime. Another article in the same issue referred to Ousmane as a "vulgar political opportunist"... 'a man for sale and without any political conscience," and went on from there. Attacks on President Tandja and PM Amadou followed, and culminated in a June 21 cover story denouncing Tandja and Amadou as corrupt, incompetent, and cynical, without citing any supporting evidence. The piece compared Tandja's rise to power and ability to manage the same to a four year old child's discovery of a 10,000 CFA (\$20.00) note in the street. The PM was referred to as a "genie of manipulation, political intrigue, and demagoguery," while the GON was denounced for using "brainwashing tactics similar to those of fascist and Nazi regimes."

¶6. What appears to have really condemned "L'Opinion" was what followed - text that the CSC determined to be an incitation to revolt against the government. The June 21 article, which encompassed much of that issue's space, concluded its denunciation of Tandja, Amadou, and the GON along the following lines: "when a political class becomes insolent, incompetent, insensitive to the wounds of its agonized people, it is the duty of every citizen to resist all forms of oppression without regard for their sources or causes. Citizens of Niger, unite!" While the paper answered

its own hypothetical "what to do under these conditions...stage a coup d'etat?," in the negative, its very posing of this as a possible response may have hurt them. Their conclusion to the question thus posed also put them on dangerous ground with the regulators: "Niger needs a deep cure, as the psychologists say, in the form of a democratic transition that would set back the clock by at least five years." During this transition period, "L'Opinion" argued, a general audit of all of the activities of the Fifth Republic would be undertaken.

¶7. COMMENT: While its insulting, ad hominem attacks on senior political leaders put "L'Opinion" on track for a run-in with the state, its call for a form of unconstitutional and systemic political change finally did it in. Under the Nigerien constitution, the CSC has the right to regulate the press to ensure a due respect for professional ethics. While liberty of the press is guaranteed by the constitution, there are legal limits such as those associated with defamation or calls for the overthrow of the state. Government's moves against the press in Niger usually take the form of individually filed civil and criminal defamation charges against journalists. The outright banning of a paper is without recent precedent, though so too is the extent of "L'Opinion's" provocations. If Zakari is to be believed, the

legal validity of the CSC's position will be tested before the Supreme Court in the near future.

¶8. While the case of "L'Opinion" illustrates some of the limits of press freedom in Niger, it also illustrates the limits of media professionalism among the small, privately owned and directed papers that have blossomed in the country over the last decade. "L'Opinion's" transition, over the course of the last year, from an apparently reasonable opposition weekly to a venue for poorly grounded ad hominem attacks on public officials likely finds its explanation in the biography of its proprietor, Alzouma Zakari. According to Post's media contacts, Zakari, who had no journalism background prior to founding "L'Opinion," is well known for turning his pen against political figures in exchange for money. Credible observers allege that his attacks are often motivated by self-interest, outright pay-offs, and/or his own temporary political allegiances. The incentive for Zakari's recent, dramatic attacks on senior GON figures is unclear. However, his decision to take his paper down into the gutter illustrates, in sharper relief than usual, a depressingly common phenomenon in the Nigerien private press - the substitution of a publisher's personal agenda for the sort of responsible, critical journalism the public deserves. END
COMMENT
ALLEN